

REMARKS

Careful consideration has been given to the Official Action of May 18, 2004 and in particular to the election requirement therein.

Pursuant to the election requirement, applicant elects the species of Figs. 30 and 31.

Amendatory action has been taken in the claims and as now presented the claims for consideration are claims 1-17, 19, 20 and 37-56. Claims 1-12, 14, 17, 37-40, 42, 43, 48 and 50-56 read on the elected species. Claim 56 is the same as claim 7 but dependent from claim 1.

Amendatory action has been taken in the claims to clarify language therein.

The amendatory action which has been taken in the claims takes into account the art which has been cited by the Examiner in order to clearly distinguish the claims from the cited art both structurally and functionally.

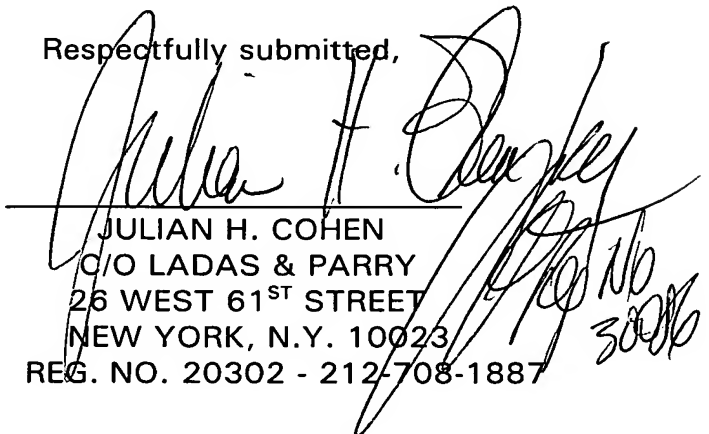
In fundamental respect, the cited art lacks any teaching of providing an implant having one leg implanted intramedullarily (longitudinally) in the bone which is joined by a bend to a second leg extending outside the bone and

backwardly in juxtaposed spaced relation to the first leg where it is secured to a superficial surface of the bone under tension. The various embodiments illustrated in the application and particularly the elected species of Figs. 30 and 31 show a construction to achieve the above function which is not remotely suggested by any of the art which has been cited by the Examiner.

As noted by the Examiner upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species written in dependent form or otherwise including all the limitations of an allowed generic claim.

It is requested that examination of the application on its merits now proceed based on the election which has been made.

Respectfully submitted,


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